

1 HONORABLE BENJAMIN H. SETTLE
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 HP TUNERS, LLC, a Nevada limited liability)
12 company,)
13 Plaintiff,) NO. 3:17-cv-05760-BHS
14 vs.)
15 KEVIN SYKES-BONNETT, SYKED ECU)
16 TUNING INCORPORATED, a Washington)
corporation, and JOHN MARTINSON,) **JOINT AGREED MOTION TO AMEND**
Defendants.) **SCHEDULING ORDER**
17 NOTING DATE: NOVEMBER 19, 2018

18 NOW COME Plaintiff HP Tuners, LLC (“HPT”) and Defendants Kevin Sykes-Bonnet,
19 Syked ECU Tuning Incorporated and John Martinson (“Defendants”) (collectively, the “Parties”)
20 and hereby jointly move this Court to amend the Scheduling Order entered in this case. In
support thereof, the Parties state as follows:

21 1. On October 16, 2018, this Court referred several pending discovery issues and
22 motions to Magistrate Judge Theresa L. Fricke, including Plaintiff’s Motion to Compel, for
23 Sanctions and to Modify Scheduling Order and Defendants’ Motion to Compel Discovery.

24 2. On November 9, 2018, the Parties conducted an extensive discovery conference
25 with Judge Fricke regarding the pending discovery issues and motions.

**JOINT AGREED MOTION TO AMEND SCHEDULING
ORDER - 1**

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3. In connection with the November 9, 2018 hearing, at Judge Fricke's suggestion, the parties agreed to work together to prepare a comprehensive discovery plan and modified Scheduling Order.

4. In addition, Judge Fricke ordered that the parties conduct ongoing telephone conferences with the Court every two weeks through the completion of discovery.

5. In accordance with Judge Fricke's order, telephonic discovery conferences are scheduled for November 26, 2018, December 14, 2018, December 28, 2018, January 11, 2019 and January 25, 2019.

6. In connection with the recent hearing with Judge Fricke and based on the discovery which remains to be completed, the parties agree that the current Scheduling Order and Trial Date should be modified in order to allow the parties sufficient time to complete discovery, disclose experts and prepare dispositive motions.

7. For example, based on the status of discovery and Defendants' anticipated production of a hardware cable after December 6, 2018, the expert disclosure dates need to be adjusted, as Plaintiff's expert will not be able to receive or inspect the hardware cable until after the currently scheduled expert disclosure deadline.

8. Based on the discovery issues which remain, the parties hereby propose the following Scheduling Order and respectfully request this Court to amend the Scheduling Order to incorporate the following dates:

- a. *FIVE DAY* Jury Trial is set for 6/24/2019 at 9:00 AM in Courtroom E before Judge Benjamin H. Settle,¹
 - b. Discovery Motions due by 1/25/2019.

¹ Counsel for Plaintiff has a pre-planned international family vacation from July 15, 2019 to August 2, 2019 and is unavailable due to another pre-planned family obligation from August 5, 2019 to August 9, 2019.

- 1 c. Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by
2 1/25/2019,
3 d. Rebuttal Expert Disclosure/Reports due by 2/25/2019,
4 e. Discovery completed by 2/25/2019,
5 f. Expert Depositions Completed by 3/22/2019;
6 g. Dispositive motions due by 3/22/2019,
7 h. Motions in Limine due by 5/17/2019,
8 i. Pretrial Order due by 5/24/2019,
9 j. Voir dire/jury instructions/trial briefs due by 5/31/2019,
10 k. Agreed Neutral Statement of the Case due by 5/31/2019,
11 l. Deposition Designations due by 5/31/2019, and
12 m. Pretrial Conference set for 6/7/2019 at 11:00 A.M

14 9. There is no prejudice to any party in connection with this request. This motion is
15 not being sought for improper purposes or purposes of delay.

16 WHEREFORE, Plaintiff and Defendants respectfully pray for an order amending the
17 Scheduling Order in accordance with the schedule agreed upon by the parties, and for such other
18 and further relief as this Court deems necessary and appropriate.

19 Dated: November 19, 2018

 Respectfully Submitted:

20 *Attorneys for Plaintiff*
21 HP Tuners, LLC

Attorneys for Defendants
 Kevin Sykes-Bonnett,
 Syked ECU Tuning Incorporated and
 John Martinson

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23 Andrew P. Bleiman (admitted *pro hac vice*)
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**JOINT AGREED MOTION TO AMEND SCHEDULING
ORDER - 4**

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on November 19, 2018, I caused the foregoing to be electronically
3 filed with the Clerk of the Court using the CM/ECF system which will send notification of such
4 filing to all Counsel of Record.

5
6 *s/ Andrew P. Bleiman*
7 Andrew P. Bleiman (admitted pro hac vice)
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